

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

OPERATING ENGINEERS LOCAL 324  
HEALTH CARE PLAN, *et. al.*,

Case No. 10-12987

Plaintiffs,

Honorable John Corbett O'Meara

v.

MID MICHIGAN CRUSHING & RECYCLING  
LLC; FENTON SAND & GRAVEL, INC.;  
VAUGHN SMITH; AND CAROL SMITH,

Defendants.

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**ORDER GRANTING IN PART PLAINTIFFS' DECEMBER 30, 2010  
MOTION FOR SUMMARY JUDGMENT**

This matter came before the court on Plaintiffs' December 30, 2010 motion for summary judgment. Defendants filed responses on January 20, 2011; and Plaintiffs filed a reply brief January 27, 2011. Pursuant to Local Rule 71.(e)(2), no oral argument was heard.

This is a lawsuit for breach of the fringe benefit contribution provisions of a collective bargaining agreement. Defendants concede that contributions are owed to Plaintiffs; the only issue in dispute is the amount due. Therefore, the court will grant Plaintiffs' motion for summary judgment on the issue of liability only.

It is hereby **ORDERED** that Plaintiffs' December 30, 2010 motion for summary judgment is **GRANTED IN PART** as to the issue of liability only.

s/John Corbett O'Meara  
United States District Judge

Date: February 17, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, February 17, 2011, using the ECF system.

s/William Barkholz  
Case Manager